

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 14 - HB 22

January 8, 2021

SUMMARY OF BILL: Increases the offense of drag racing from a Class B misdemeanor offense to a Class A misdemeanor offense.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures - \$265,700/FY21-22 and Subsequent Years*

Assumptions:

- Pursuant to Tenn. Code Ann. § 55-10-502(a), drag racing is a Class B misdemeanor offense punishable by not greater than six months incarceration and/or a fine not to exceed \$500.
- Class A misdemeanors are punishable by not greater than 11 months, 29 days incarceration and/or a fine not to exceed \$2,500.
- Since 2019, the Tennessee Highway Patrol has issued an average of 26 citations for drag racing each year. It is expected this average will remain consistent.
- This analysis assumes that only 10 percent of misdemeanor convictions are at the state court level. Therefore, an expected average of 260 (26 x 10) Class B drag racing misdemeanors offenses occur statewide every year.
- This analysis further assumes individuals convicted of a Class B misdemeanor offense of drag racing are spending an average of 1 day in local jail. This analysis further assumes that an individual convicted of a Class A misdemeanor offense is expected to spend an average of 15 days in local jail.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant.
- The proposed legislation will not significantly increase local revenue. The amount of Class B misdemeanor fines collected statewide is unknown. Increasing the fine by \$2,000 (\$2,500 possible Class A misdemeanor fine - \$500 possible Class B misdemeanor fine) will result in fewer people being able to pay the full amount. Therefore, it is assumed the total net change in revenue collections will be minimal.
- Based on the 2020 Fiscal Review Committee survey, the weighted average cost to local governments to house an inmate in a local jail facility is \$73 per day.

- The proposed draft legislation will result in a mandatory increase in local incarceration expenditures statewide of \$265,720 [$\73×260 offenders \times (15-1) days] in FY21-22 and subsequent years.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

/jg